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Attorneys for Defendant
BRUCE SMITH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EZEKIAL FLATTEN, WILLIAM KNIGHT,
CHRIS GURR and ANN MARIE BORGES,

Plaintiffs,

v.

BRUCE SMITH, STEVEN WHITE, and DOES
1-50 inclusive,

Defendants.

CASE NO.: 3:21-cv-07031-SI
(Related to Case No. 3:20-cv-04537-SI)

Assigned to Hon. Judge Susan Illston

**STIPULATION AND ~~PROPOSED~~ ORDER
TO RESCHEDULE THE CASE
MANAGEMENT CONFERENCE AND
INITIAL DISCLOSURE DEADLINE**

WHEREAS, Plaintiffs Ezekial Flatten, William Knight, Chris Gurr, and Ann Marie Borges filed a Complaint in this matter on August 9, 2021 (ECF Doc. No. 1).

WHEREAS, Defendants Bruce Smith and Steve White both filed Motions to Dismiss and Motions to Strike the Plaintiffs' Complaint on September 17, 2021, re-noticed due to relation of cases on September 24, 2021 (ECF Doc. Nos. 16, 17, 18, 26, 28, 29).

WHEREAS, Plaintiffs filed two Administrative Motions to supplement Plaintiffs' Opposition to Defendants' Motions to Dismiss and Strike in November of 2021, and Defendants opposed those motions (ECF Doc. Nos. 42, 43, 44).

WHEREAS, the Court heard the Motions to Dismiss and Strike (ECF Doc. No. 26, 28, 29) and affirmed its tentative ruling to grant to Motions to Dismiss and Motion to strike with leave to amend in its November 19, 2021 Minute Order (ECF Doc. No. 48).

WHEREAS, as per the Court's order on November 19, 2021, the Court dismissed the Complaint with leave to amend, and confirmed that Plaintiffs' First Amended Complaint is to be filed by January 3, 2022.

WHEREAS, pursuant to the Order Setting Initial Case Management Conference and ADR Deadlines entered September 13, 2021, the last day for the parties to file Rule 26(f) Report and initial disclosures as well as a Case Management Statement is presently December 3, 2021, before the amended pleading will be filed by Plaintiffs.

WHEREAS, also in the Order Setting Initial Case Management Conference and ADR Deadlines, the Court set the Initial Case Management Conference for December 10, 2021, also before the amended pleading will be filed by Plaintiffs.

WHEREAS, the parties have met and conferred and agree that for the efficiencies of the Court and the parties, the parties' Rule 26(f) Report and initial disclosures should not become due until after Plaintiffs filed their First Amended Complaint on January 3, 2022, since this will frame the issues for this case should it proceed past any further pleading challenge by Defendants;

NOW THEREFORE, Plaintiffs and Defendants hereby agree and stipulate as follows:

1. The deadline for the parties to file a Fed. Rules Civ. Proc. Rule 26(f) report and complete initial disclosures shall be extended from December 3, 2021, to January 10, 2022.

2. The parties request that the Court reschedule the initial Case Management Conference from December 10, 2021 to a date on or before January 21, 2022.

IT IS SO STIPULATED.

DATED: November 23, 2021

**COLANTUONO, HIGHSMITH &
WHATLEY, PC**

/s/Pamela K. Graham

MICHAEL G. COLANTUONO
PAMELA K. GRAHAM
JOHN A. ABACI
ABIGAIL A MENDEZ
Attorneys for Defendant
BRUCE SMITH

DATED: November 23, 2021

SCOTT LAW FIRM

/s/John H. Scott

JOHN HOUSTON SMITH
Attorney for Plaintiffs
EZEKIAL FLATTEN, WILLIAM KNIGHT,
ANN MARIE BORGES, CHRIS GURR

DATED: November 23, 2021

WILLIAM A. COHAN, P.C.

/s/William A. Cohan

WILLIAM A. COHAN
Attorneys for Plaintiffs
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ANN MARIE BORGES, CHRIS GURR

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1 DATED: November 23, 2021

OFFICE OF THE COUNTY COUNSEL

2
3 /s/Christian M. Curtis

4 CHRISTIAN M. CURTIS
5 Attorneys for Defendant
6 BRUCE SMITH
7
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9 DATED: November 23, 2021

**CALIFORNIA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL**

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11 /s/Kymberly E. Speer

12 KYMBERLY E. SPEER
13 Attorneys for Defendant
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~~[PROPOSED]~~ ORDER

Pursuant to the attached stipulation, IT IS SO ORDERED:

1. The deadline for the parties to file their Fed. Rules Civ. Proc. Rule 26(f) report and complete initial disclosures is extended from December 3, 2021, to January 10, 2022.
2. The Court hereby reschedules the initial Case Management Conference from December 10, 2021 to January ¹⁴~~21~~, 2022 at 2:30 pm .

DATED: November 23, 2021



Hon. Judge Susan Illston

Colantuono, Highsmith & Whatley, PC
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CERTIFICATE OF SERVICE

Flatten et al v. Smith et al
 United States District Court, Northern District
 Case No. 3:21-cv-07031-SI

I, McCall Williams, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 790 East Colorado Boulevard, Suite 850, Pasadena, California 91101. My email address is: MWilliams@chwlaw.us. On November 23, 2021, I served the document(s) described as **STIPULATION AND [PROPOSED] ORDER TO RESCHEDULE THE CASE MANAGEMENT CONFERENCE AND INITIAL DISCLOSURE DEADLINE**, on the interested parties in this action addressed as follows:

☒ **BY ELECTRONIC TRANSMISSION:** I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Northern District by using the CM/ECF system on November 23, 2021. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the USDC, Northern District CM/ECF system.

I declare that I am employed in the offices of a member of the State Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on November 23, 2021, at Pasadena, California.

/s/McCall Williams
 McCall Williams

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